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PR89-036

May 30, 2001

TO: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

ATTN: Office of Petitions  
Box DAC

FROM: George O. Saile, Reg. No. 19,572  
Stephen B. Ackerman, Reg. No. 37,761  
20 McIntosh Drive  
Poughkeepsie, New York 12603  
Attorney Docket #: PR89-036

RECEIVED

JUN 13 2001

OFFICE OF PETITIONS


SUBJECT: Serial #  
File Date  
Inventors: Chung Hong Peng, Rex Chen and Simon Chang  
Title: An Intelligent Wet Etching Tool As A Function Of Chemical  
Concentration Temperature And Film Loss

**PETITION**

On September 19, 2000, a New Patent Application titled An Intelligent Wet Etching Tool As A Function Of Chemical Concentration Temperature And Film Loss was mailed to the USPTO along with three other New Patent Applications. The four applications were filed together in separate brown clasp envelopes but mailed together in one US Postal Service Priority Envelope. At this time, we have received Filing Receipts and returned Postcards with Serial Numbers and Filing Dates (of September 21, 2000) for three out of the four cases but not for the application referenced above.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231, on May 30, 2001.

  
Stephen B. Ackerman,  
Reg. No. 37,761

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00000093 190033  
06/08/2002 AKELLEY  
01 FC:122  
130.00 CH

PR89-036


As shown in Exhibit A, we recorded in our office Mail-Log Book that the four applications were mailed on September 19, 2000, and that the three cases received PTO stamped postcards. We have not, however, received a returned Post Card or Filing Receipt for our docket number PR89-036. We've made repeated telephone calls to the PTO over the last several months but it is clear the application was lost in the PTO before a Filing Date and Serial Number were assigned.

Also attached is Exhibit B, a copy of a letter dated 4/24/01, that was faxed to the PTO in request for information on this misplaced application. Serial numbers for the three processed applications are shown on this letter.

Please assign a filing date of September 21, 2000 and a serial number to the misplaced application (attached).

The Commissioner of Patents is hereby authorized to charge our Deposit Account 19-0033 for the Petition Fee of \$130.00.

Please contact our office at (845) 452-5863 if further information is requested regarding this matter. A timely response regarding this matter would be appreciated.

  
Stephen B. Ackerman,  
Reg. No. 37, 761

Enclosed: Fee Transmittal Form  
Exhibit A-Log Book Entry  
Exhibit B-Letter to PTO  
Formal Filing Papers/Patent Application

# Exhibit A

BEST AVAILABLE COPY

Date	Subject	Docket	Invoice	Post Card
9/15/00	Info. Disc Stmt	CS99-122	✓	✓
		TSMC-49-672	✓	✓
9/5/00	"	B97-274B	✓	✓
9/18/00	Amendment	TS 98-417	✓	✓
	Amend. A.F.	ERSO 86-090	✓	✓
	Appeal Brief	TS 97-86	✓	✓
	New Patent Appl	CS00-049	✓	✓
	Div. Patent Appl.	TS 97-276B	✓	✓
	Resp. to Restriction/Fee	HT98-019	✓	✓
	Reg. Cert. App. (2)	CS99-383	✓	fat
	"	CS00-03/04	✓	fat
	" (2)	CS99-281/282	✓	fat
	R.C.E. / Pre. Amend	ERSO 85-008BC	✓	✓
*9/19/00	New Patent Appl.	PR 89-036	✓	✓
	"	TS 2000-107	✓	✓
	"	TS 2000-022	✓	✓
	"	CS 2000-006	✓	✓
9/19/00	Response to Restriction	TS 98290	✓	✓
		CS98-02	✓	✓
		TS 99099	✓	✓
		TS 98096/697	✓	✓
		TS 98570	✓	✓
		TS 98083	✓	✓
		V1587126	✓	✓
		CS98130	✓	✓
		TS 98181	✓	✓
		TS 95223BC	✓	✓
		CS99-131B	✓	✓
	Divisional Patent Appl.	TS 98-017	✓	✓
	Paid Issue Fee			

Exhibit B

✓

April 24, 2001

TO: Ms. Wynette Stapor  
FAX: 1-703-306-5515

FROM: Peggy Parisi  
George O. Saile, Stephen B. Ackerman and Associates  
Phone: 1-845-452-3204  
FAX: 1-845-471-2064


SUBJECT: Missing New Patent Application  
PR89-036  
Inventors: Chun Hong Peng, Rex Chen and Simon Chang  
Title: AN INTELLIGENT WET ETCHING TOOL AS A FUNCTION  
OF CHEMICAL CONCENTRATION, TEMPERATURE AND FILM  
LOSS

Ms. Stapor:

Thank you for returning my phone call today. As you requested, I have attached the Formal Filing Papers for PR89-036, a New Patent Application that we mailed to the PTO on 9/18/00 but have not received a Serial Number, Filing Date or Filing Receipt. I also attached a copy from our Mail Log Book that shows three other New Patent Applications that were filed together with PR89-036 in the same Priority Envelope, each Application in its own brown clasp envelope. These three cases have received Serial Numbers, Filing Dates and Filing Receipts (TS00-167, 09/666,318, 9/21/00; TS00-022, 09/666,317, 9/21/00; CS00-006, 09/666,315, 9/21/00). I appreciate any help and information that you may have regarding the missing Application. If at all possible, please enter the attached Application papers and grant a filing date of 9/21/00, since it is clear the application was sent to, and subsequently lost in, the PTO. Please let me know, as soon as possible, what your recommendation is regarding this Application. Thank you.

Regards,

  
Peggy Parisi  
Administrator

  
Stephen B. Ackerman  
Reg. No. 37,761



PTO/SD/17 (09-00)

Approved for use through 10/31/2002. OMB 0651-0032

Under the Paperwork Reduction Project (09-00), no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 130.00

## Complete if Known

Application Number

Filing Date

First Named Inventor

Chun - Hong Peng

Examiner Name

Group Art Unit

Attorney Docket No.

PR 89-036

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

19-0033

Deposit  
Account  
Name

George O. Saile

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
101 710	201 355	Utility filing fee
106 320	206 160	Design filing fee
107 490	207 245	Plant filing fee
108 710	208 355	Reissue filing fee
114 150	214 75	Provisional filing fee

Fee Paid

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	=
Multiple Dependent	-3** =	X	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

Fee Description

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
105 130	205 65	Surcharge - late filing fee or oath
127 50	227 25	Surcharge - late provisional filing fee or cover sheet
139 130	139 130	Non-English specification
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination
112 920*	112 920*	Requesting publication of SIR prior to Examiner action
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action
115 110	215 55	Extension for reply within first month
116 390	216 195	Extension for reply within second month
117 890	217 445	Extension for reply within third month
118 1,390	218 695	Extension for reply within fourth month
128 1,890	228 945	Extension for reply within fifth month
119 310	219 155	Notice of Appeal
120 310	220 155	Filing a brief in support of an appeal
121 270	221 135	Request for oral hearing
138 1,510	138 1,510	Petition to institute a public use proceeding
140 110	240 55	Petition to revive - unavoidable
141 1,240	241 620	Petition to revive - unintentional
142 1,240	242 620	Utility issue fee (or reissue)
143 440	243 220	Design issue fee
144 600	244 300	Plant issue fee
122 130	122 130	Petitions to the Commissioner
123 50	123 50	Petitions related to provisional applications
126 240	126 240	Submission of Information Disclosure Stmt
581 40	581 40	Recording each patent assignment per property (times number of properties)
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))
179 710	279 355	Request for Continued Examination (RCE)
169 900	169 900	Request for expedited examination of a design application

JUN 13 2001

OFFICE OF PETITIONS

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.

## SUBMITTED BY

Name (Print/Type)

Stephen B. Ackerman

Registration No.  
(Attorney/Agent)

37,7101

Complete (if applicable)

Telephone

845-452-5803

Signature

S. B. Ackerman

Date

May 30, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.